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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES J. MACHOWSKI,

Plaintiff,

v.

THE OGDEN UNIT OWNERS' ASSOCIATION,
a Nevada Corporation,

Defendant.

Case No.: 2:25-cv-00583-NJK

**STIPULATED DISCOVERY PLAN
AND SCHEDULING ORDER**

**SUBMITTED IN COMPLIANCE
WITH LR 26-1(b)**

Pursuant to Fed. R. Civ. P. 26(f), and Local Rule 26-1, Plaintiff, JAMES J. MACHOWSKI ("Plaintiff") (appearing pro se), and Defendant THE OGDEN UNIT OWNERS' ASSOCIATION ("Defendant"), by and through its counsel of record, the law firm of Freeman Mathis & Gary, LLP, hereby jointly submit the following proposed discovery plan and scheduling order.

DISCOVERY PLAN AND CONFERENCE

A. Fed. R. Civ. P. 26(f) Conference

On Thursday, May 29, 2025, Plaintiff and counsel for the defendant, Kathy A. McCarthy, Esq. of the law firm Freeman, Mathis & Gary, LLP, (collectively, the "Parties") participated in the mandatory discovery conference, pursuant to Fed. R. Civ. P. 26(f), and LR 26-1(e), at which time the Parties agreed upon the following proposed discovery plan:

1 (A) The Parties do not require changes in the timing, form, or requirement for disclosures
2 under Rule 26(a). The parties will serve their respective initial disclosures no later than **Thursday,**
3 **June 12, 2025**, which is 14 days from the Rule 26(f) conference.

4 (B) The Parties will require discovery pertaining to the factual allegations and causes of
5 action as set forth in Plaintiff's Petition for Declaratory Judgment, and all applicable defenses thereto.
6 Discovery should not be conducted in phases. Discovery should not be specifically limited or focused
7 on any particular issues.

8 (C) Through the discovery process, the Parties will need to obtain documents and/or records
9 pertaining to the adoption and enforcement of Defendant's Anti-Bullying Policy and communications
10 between the Parties. Furthermore, the Parties will propound written discovery, obtain deposition
11 testimony of Plaintiff, Defendant, and various fact witnesses, retain experts as deemed necessary by the
12 respective Parties, and conduct sufficient investigation.

13 (D) The Parties do not foresee any issues pertaining to their respective disclosures or
14 electronically stored information.

15 (E) There are no extraordinary issues pertaining to claims of privilege or protection as trial-
16 preparation materials identified at this time.

17 (F) The Parties do not request changes to the limitations on discovery, as imposed under the
18 Federal Rules of Civil Procedure or the Local Rules of Practice for the United States District Court for
19 the District of Nevada.

20 (G) The Parties do not request this Court to submit any initial orders under Rule 26(c), or
21 Rule 16(b) and (c) at this time. However, the Parties discussed and Defendant reserves its right to
22 protect any confidential or trade secret documents pertaining to Defendant's business as this matter
23 continues.

24 **B. LR 26-1(e) Discovery Plan**

25 The Parties jointly propose the following discovery plan:

26 (1) ***Discovery Cut-off Date. Monday, October 20, 2025***; 180 days measured from the date
27 the defendant, THE OGDEN UNIT OWNERS' ASSOCIATION, filed its Motion to Dismiss Plaintiff's
28 Petition for Declaratory Judgment [April 23, 2025].

(2) ***Amending the Pleadings and Adding Parties. Tuesday, July 22, 2025;*** which is not later than ninety (90) days prior to the close of discovery.

(3) ***Fed. R. Civ. P. 26(a)(2) Disclosures (Experts).***

Initial Experts: Thursday, August 21, 2025; which is not greater than sixty (60) days before the discovery cut-off date.

Rebuttal Experts: Monday, September 22, 2025¹; which is not less than thirty (30) days after the initial disclosure of experts.

(4) ***Dispositive Motions. Wednesday, November 19, 2025;*** which is not less than thirty (30) days after the discovery cut-off date.

(5) ***Pretrial Order.*** The joint pretrial order shall be filed not later than **Friday, December 19, 2025;** which is not less than thirty (30) days after the dispositive motions deadline. If any dispositive motions are filed and remain pending, the deadline for filing the joint pretrial order shall be suspended until thirty (30) days after the decision on the dispositive motions or by further order of the Court.

(6) ***Fed. R. Civ. P. 26(a)(3) Disclosures.*** The disclosures required by Fed. R. Civ. P. 26(a)(3), and any objection(s) thereto, shall be included in the pretrial order.

C. Extension of Scheduled Deadlines

Any stipulation or motion must be made no later than 21 days before the subject deadline, unless supported by a showing of good cause. Requests to extend discovery deadlines must comply fully with LR 26-3.

Required Certifications

Alternative Dispute Resolution. Pursuant to LR 26-1(b)(7), the parties certify that they have conferred about the possibility of using alternative dispute-resolution processes including mediation, arbitration, and if applicable, early neutral evaluation. The parties and their counsel are not presently interested in submitting this case to mediation, arbitration, or neutral evaluation.

¹ 30 days after the initial expert disclosure deadline is Saturday, September 20, 2025, and as such the deadline has been adjusted to Monday, September 22, 2025.

Alternative Forms of Case Disposition. The parties certify that they have consented to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73. At present, the Parties do not consent to engage in the Short Trial Program (General Order 2013-01).

Electronic Evidence. The parties certify that they have discussed and intend to use electronic evidence at the trial of this matter and will ensure that said evidence is in an electronic format compatible with the Court's electronic jury evidence display system. At present, the Parties have not agreed upon any stipulations regarding use of electronic evidence but will address this issue again in the Pre-Trial Order.

IT IS SO STIPULATED.

DATED this 4th day of June 2025.

DATED this 4th day of June 2025.

FREEMAN MATHIS & GARY, LLP

/s/ Kathy A. McCarthy
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ORDER

IT IS SO ORDERED.


 UNITED STATES MAGISTRATE JUDGE

DATED: June 5, 2025